

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:06CR104-P-B

**JENNIFER YVONNE BERRY,
JOHNNIE LEE WINFIELD, AND
REHABSOURCE, INC.,**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Jennifer Yvonne Berry's Motion for Continuance [34-1]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for March 19, 2007. Counsel for Defendant Berry avers that trial is currently set during the regular session of the Mississippi Legislature of which defense counsel is a member. The defendant thus asks for a continuance until after the regular session.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from March 19, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [34-1] is hereby **GRANTED**;

(2) Trial of this matter is **CONTINUED** as to all defendants until Monday, May 21, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from March 19, 2007 to May 21, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is April 30, 2007; and

(5) The deadline for submitting a plea agreement is May 7, 2007.

SO ORDERED this the 12th day of January, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE